

AN ACT

ENTITLED, An Act to revise the circumstances under which certain arrests may be effected without warrant.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 23A-3-2.1 be amended to read as follows:

23A-3-2.1. Unless the provisions of § 22-18-5 apply, a law enforcement officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, any person, without a warrant, at any time that the opportunity presents itself, if the officer has probable cause to believe that:

- (1) An order has been issued under chapter 25-10 protecting the victim and the terms of the order prohibiting acts or threats of abuse or excluding the person from a residence have been violated; or
- (2) An order has been issued under chapter 22-19A protecting the victim and the terms of the order prohibiting acts of stalking or physical injury have been violated; or
- (3) The person is eighteen years or older and within the preceding forty-eight hours has assaulted:
 - (a) That person's spouse;
 - (b) That person's former spouse;
 - (c) The mother or father of that person's child; or
 - (d) Any person eighteen years of age or older with whom that person resides or has formerly resided;

and the officer believes:

- (a) An aggravated assault has occurred;
- (b) An assault has occurred which has resulted in bodily injury to the victim, whether the

injury is observable by the responding officer or not; or

- (c) An attempt by physical menace has been made to put another in fear of imminent serious bodily harm.

An Act to revise the circumstances under which certain arrests may be effected without warrant.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1073

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1073

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State